

Exhibit A

TAB 1

3/6/2017 4:47:25 PM

Chris Daniel - District Clerk Harris County

Envelope No. 15695871

By: JONATHAN PATTON

Filed: 3/6/2017 4:47:25 PM

RECEIPT NUMBER

TRACKING NUMBER

73345539 ATY

CAUSE NUMBER 201713436

PLAINTIFF: VACATIONS PUBLICATIONS INC
 vs.
 DEFENDANT: AXIS INSURANCE COMPANY

In The 129th
 Judicial District Court of
 Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS
 County of Harris

TO: AXIS INSURANCE COMPANY (AN ILLINOIS CORPORATION) BY SERVING THROUGH
 ITS REGISTERED AGENT IN TEXAS CORPORATION SERVICE COMPANY
 211 EAST 7TH STREET SUITE 620 AUSTIN TX 78701 - 3218

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on the 27th day of February, 2017, in the
 above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED; you may employ an attorney. If you or your attorney do not file a written answer with the
 District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were
 served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 27th day of
February, 2017.

Issued at request of:
 GIBSON, GEORGE R.
 2800 POST OAK BLVD 61FL
 HOUSTON, TX 77056
 TEL: (713) 960-0303
 Bar Number: 793802



Chris Daniel
 CHRIS DANIEL, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 P.O. Box 4651, Houston, Texas 77210

Generated by: CUERO, NELSON 7MM//10620357

OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the _____ day of _____, 20____, at _____ o'clock ____M., endorsed
 the date of delivery thereon, and executed it at _____
(STREET ADDRESS) (CITY)
 in _____ County, Texas on the _____ day of _____, 20____, at _____ o'clock ____M.,
 by delivering to _____
(THE DEFENDANT CORPORATION NAMED IN CITATION)
 _____, in person, whose name is _____
(REGISTERED AGENT, PRESIDENT, or VICE-PRESIDENT)
 a true copy of this citation, with a copy of the _____ Petition attached,
(DESCRIPTION OF PETITION, E.G. "PLAINTIFF'S ORIGINAL")
 and with accompanying copies of _____
(ADDITIONAL DOCUMENTS, IF ANY, DELIVERED WITH THE PETITION)

I certify that the facts stated in this return are true by my signature below on the _____ day of _____, 20____.

FEE: \$ _____

By: _____
(SIGNATURE OF OFFICER)

Printed Name: _____

Affiant Other Than Officer _____

As Deputy for: _____
(PRINTED NAME & TITLE OF SHERIFF OR CONSTABLE)

On this day, _____, known to me to be the person whose signature
 appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was
 executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, 20____

Notary Public

TAB 2

2017-13436 / Court: 129

CAUSE NO. _____

VACATIONS PUBLICATIONS, INC.,	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
AXIS INSURANCE COMPANY,	§	
Defendant.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Vacations Publications, Inc. ("Vacations") files this original petition against Axis Insurance Company ("Axis").

Discovery control plan

1. Plaintiff elects discovery control plan level 2 under Tex. R. Civ. P. 190.3.

Rule 47 statement

2. Pursuant to Tex. R. Civ. P. 47, Plaintiff seeks monetary relief against Axis in excess of \$1,000,000.00 in addition to other relief. Plaintiff reserves and does not waive additional claims it might bring.

Parties

3. Vacations Publications, Inc. is a Delaware corporation that conducts business in Texas.
4. Axis Insurance Company is an Illinois corporation licensed to conduct insurance business in Texas that may be served through its registered agent in Texas, Corporation Service Company, at 211 East 7th Street, Suite 620, Austin, Texas 78701-3218.

Jurisdiction and venue

5. This Court has personal jurisdiction over Axis because it conducts business in Texas and has continuous and systematic contacts with Texas. This Court has subject matter

jurisdiction over this claim because the amount in controversy exceeds the jurisdictional minimum of this Court.

6. Venue for this lawsuit is proper in Harris County, Texas, under Tex. Civ. Prac. & Rem. Code §§15.002(a)(1) and 15.032.

Facts

7. Vacations is an insured under the Axis Pravatus Plus + insurance policy number MAN767203/01/2013 effective for the policy period of May 6, 2013 to May 6, 2014; and the Axis Pravatus Plus + insurance policy number MAN767203/01/2014 effective for the policy period of May 6, 2014 to May 6, 2015 (together, the “Policies”).

8. Karen D’Onofrio was an employee of Vacations who began approved leave under the Family Medical Leave Act (FMLA). Prior to beginning leave and while on leave, D’Onofrio breached her contractual and common law duties and obligations to Vacations. D’Onofrio failed and refused to monitor accounts that she agreed to monitor while she FMLA leave. She agreed to do so in order to have the ability to collect commissions on booked but incomplete customer travel bookings. D’Onofrio did not respond to customer inquiries and telephone messages about travel bookings and Vacations accordingly began to take over the maintenance of her bookings. In the course of that transition, several Vacations customer agents contacted her customers to provide new customer service contact information; however, a single employee of Vacations sent an erroneous email to some of D’Onofrio’s customers stating that she had left the company, instead of being on FMLA leave. Contemporaneously, Vacations notified D’Onofrio in writing that her accounts had been reassigned and she remained on FMLA leave. Even though the erroneous emails contradicted Vacation’s express and contemporaneous notice to D’Onofrio that her FMLA would continue, D’Onofrio, without checking with Vacations, pretended that she had been

terminated, and continued her previously concocted scheme to defraud Vacations by working for a competitor.

9. D'Onofrio filed a claim for unemployment benefits with the Texas Workforce Commission (the "TWC"), which was denied; the TWC correctly determined that she had voluntarily resigned. D'Onofrio then filed a lawsuit in Texas state court against the TWC and Vacations claiming that the TWC's denial of her unemployment benefits was incorrect, and that Vacations had violated the FMLA. That lawsuit was removed to federal court under Civil Action No. 4:15-cv-00753; *Karen G. D'Onofrio v. Vacation Publications, Inc.*; In the United States District Court for the Southern District of Texas, Houston Division. The TWC claim was severed and returned to state court and Vacations filed a counterclaim against D'Onofrio alleging, among other claims, breach of contract, fraud, and conspiracy to defraud.

10. D'Onofrio filed charge of discrimination with the EEOC on March 24, 2014, claiming that she had been sexually harassed by certain employees of Vacations. Before the EEOC reached a determination, D'Onofrio requested and received a right to sue letter from the EEOC, and filed another lawsuit against Vacations, pro se, in federal district court, on September 22, 2015, claiming sexual harassment under Title VII of the Civil Rights Act. That suit was ordered transferred and consolidated into the existing lawsuit in the federal district court in the Southern District of Texas.

11. The federal district court granted summary judgment in favor of Vacations dismissing all of D'Onofrio's claims under FMLA and Title VII, and otherwise, and granting all of Vacations counterclaims, after finding that D'Onofrio breached the covenants in her employment agreement with Vacations, improperly competed with Vacations, improperly solicited Vacation's customers, and fraudulently converted Vacation's proprietary information.

That decision is pending on appeal in the Court of Appeals for the Fifth Circuit.

12. Vacations made a timely and proper claim for coverage under the Policies. Axis denied such claim.

13. Axis stated the bases for the denial of coverage as follows:

- a. The harassment and the FMLA claims are one claim as defined by the Policies;
- b. Vacations received notice of the harassment claim on February 12, 2014, during the Policy No. MAN767203/1/2013 policy period, but reported the harassment claim on March 4, 2015, after the expiration of the policies' period and the 90-day reporting period;
- c. The harassment claim was reported to Vacations on February 12, 2014, prior to the period of the Policies;
- d. Vacations apologized to claimant contrary to the Policies' provisions; and
- e. Vacations engaged in settlement discussions with claimant contrary to the Policies' provisions.

Each is wrong and asserted in bad faith.

14. Axis wrongfully mis-categorizes the harassment and FMLA claims as "shar[ing] a common nexus." Axis claims without explanation or justification that a common nexus of "facts, circumstances, situations, events, transactions, or causes" between the harassment and FMLA claims, because there is none. The elements of a harassment claim are that the defendant is alleged to have committed acts that are severe, offensive, and unwelcome based on the victim's protected characteristic. A claim under FMLA is based on a denial of benefits under the act where the employee is entitled such benefits, or discrimination against a claimant of such benefits. There is no nexus between those claims in theory or as applied in this case.

15. D'Onofrio's FMLA lawsuit against Vacations was filed on February 3, 2015, in Texas state district court. Her sexual harassment lawsuit against Vacations was filed by the

plaintiff *pro se* in a federal district court after Vacations filed its motion for summary judgment in the FMLA lawsuit. The only activity by VTG in the harassment lawsuit has been to answer, deny the claims, and to successfully move that the harassment lawsuit be joined with the FMLA lawsuit for judicial efficiency, which resulted in the dismissal of the sexual harassment claims, along with the FMLA claims.

16. Axis correctly conceded in its May 14, 2015, letter that the claims were covered. Vacations relied on that determination. Axis has no basis, and has expressed no basis, to change its position and to declare that the sexual harassment claim shares a common nexus with the FMLA claim. The sexual harassment claim and the FMLA claim are legally and factually unrelated and independent of one another and should not be analyzed as one claim.

17. The Interrelated Wrongful Acts provision of the Policy is an exclusion for which the insurer bears the burden of proof. Axis cannot establish that the harassment claims and the FMLA claims involve the same wrongful conduct, as is required to establish such exclusion.

18. Axis wrongfully claims that an email sent by the husband of the claimant constitutes a claim that triggered a prior policy. This erroneous argument fails on many levels. First, the email was not sent by the claimant and there is no provision of the policy addressing a notice by someone other than the claimant. Second, the email does not actually make any claim or demand other than a request that a Vacations officer call the claimant's husband to discuss the claimant's allegations. Third, and importantly, the email expressly disclaims that it is making a demand, only requesting a call to discuss. The claimant's husband states that he "does not want to make a big stink of this." Furthermore, Vacations' response to the e-mail was that "we cannot discuss Gwen's issues with Michael" because Gwen had not signed a letter permitting discussions with Michael. Axis conjures this argument to assert that the claim was too late for the 2013 policy and

too early for the 2014 policy. Vacations timely notified Axis of the harassment claim when the EEOC charge was filed, in accordance with the Policy.

19. Axis also falsely claims that Vacations “apologizes to both Mrs. D’Onofrio and her husband for the harassment she endured in the workplace.” The email referenced by Axis dated March 23, 2015 does not contain an apology for any admitted wrongdoing or culpable conduct. To the extent that Axis bases its denial on the contention that Vacations admitted to any misconduct, it would be erroneous.

20. Axis also claims that Vacations made offers to settle the case, but it is not clear whether Axis relies on that assertion for the denial of the Claims. The offer of settlement was rejected by the claimant and did not prejudice the insurer in any way. The denial letter does not include any explanation or assertion that the insurer was prejudiced. Furthermore, Vacations has counterclaims against the claimant and her husband that it is entitled to pursue and settle as it sees fit. Axis has declined coverage for any counterclaims, although Vacations has not sought coverage for its counterclaims against claimant and her husband based on her breaches of contract, his tortious interference with contractual rights, and other claims. Vacations’ counterclaims benefit Axis in this case because it causes additional pressure on claimant to resolve or drop her claims.

First cause of action
Breach of contract

21. Axis has breached the Policies by failing and refusing to provide defense and indemnity to the claims against Vacations which were made timely and covered by the Policies. Vacations seeks its damages caused by such breaches, including but not limited to all direct, actual, incidental, consequential, economic, special, nominal, and general damages, plus costs of court, attorney fees, and pre- and post-judgment interest.

**Second cause of action
Bad faith**

22. There are insurance contracts between Vacations and Axis which create a duty of good faith and fair dealing. Axis breached its duty when it denied or delayed defense and indemnity when liability was reasonably clear. Such breach proximately caused damages to Vacations. Vacations seeks its damages caused by such breaches, including but not limited to all direct, actual, incidental, consequential, economic, special, nominal, and general damages, plus costs of court, attorney fees, and pre- and post-judgment interest. Vacations also seeks exemplary damages based on the fraudulent, malicious, intentional, or grossly negligent conduct of Axis.

**Third cause of action
Violations of Texas Insurance Code, Chapter 541**

23. Axis has violated the Texas Insurance Code (the "Code") in its handling of this claim and by denying coverage. Vacations and Axis are persons under the Code. Axis is engaged in acts or practices that violated the Code, the Texas Business & Commerce Code, or a tie-in provision of the Code. Vacations relied on Axis' acts and practices to its detriment and such acts or practices caused actual damages. Vacations seeks its damages caused by such breaches, including but not limited to all direct, actual, incidental, consequential, economic, special, nominal, and general damages, plus costs of court, attorney fees, and pre- and post-judgment interest. Vacations also seeks additional damages under the statutes.

Conclusion

24. Vacations Publications, Inc. requests that the Court grant judgment in its favor against Axis Insurance Company for its damages, attorney's fees, costs of court, pre- and post-judgment interest, exemplary damages, and that the Court grant all other relief to which it is entitled.

Respectfully submitted,

NATHAN SOMMERS JACOBS
A Professional Corporation

By: /s/ George R. Gibson

George R. Gibson
Texas Bar No. 00793802
A. Elizabeth Larson
Texas Bar No. 24076950
2800 Post Oak Boulevard, 61st Floor
Houston, Texas 77056-6102
713.960.0303 - phone
713.892.4800 - fax
ggibson@nathansommers.com
llarson@nathansommers.com

MICHAEL JAY KUPER
A Professional Corporation

Michael Jay Kuper
Texas Bar No. 11765000
2901 Via Fortuna Drive, Suite 500
Austin, Texas 78746
512-874-3895 phone
713-892-4800 fax
mkuper@kuperlawfirm.com

ATTORNEYS FOR VACATIONS
PUBLICATIONS, INC.

TAB 3

2/27/2017 2:07:20 PM

Chris Daniel - District Clerk

Harris County

Envelope No: 15548274

By: CUERO, NELSON

Filed: 2/27/2017 2:07:20 PM

CIVIL CASE INFORMATION SHEET (REV. 2/13)

2017-13436 / Court: 129


CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED Vacations Publications, Inc. vs. Axis Insurance Company

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: George R. Gibson Email: ggibson@nathansommers.com Address: 2800 Post Oak Blvd., 61st Floor Telephone: 713.892.4843 City/State/Zip: Houston, Texas 77056 Fax: 713.892.4800 Signature:  State Bar No: 00793802		Names of parties in case: Plaintiff(s)/Petitioner(s): Vacations Publications, Inc. Defendant(s)/Respondent(s): Axis Insurance Company Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:
2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil		Family Law		
Contract <input type="checkbox"/> Consumer/DTPA <input checked="" type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity - Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus-Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification - Custody <input type="checkbox"/> Modification - Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship - Adult <input type="checkbox"/> Guardianship - Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
3. Indicate procedure or remedy, if applicable (may select more than 1):				
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000				

Instructions for Completing the Texas Civil Case Information Sheet

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. If the original petition, application or post-judgment petition or motion is e-filed, the case information sheet must not be the lead document.

This sheet, required by Rule 78a of the Texas Rules of Civil Procedure, is intended to collect information that will be used for statistical and administrative purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

The attorney or self-represented (*pro se*) plaintiff/petitioner filing the case or post-judgment petition or motion should complete the sheet as follows:

1. Contact information

a) **Contact information for person completing case information sheet.** Enter the following information:

- name;
- address;
- city, state, and zip code;
- email address;
- telephone number;
- fax number, if available;
- State Bar number, if the person is an attorney; and
- signature. (*NOTE: When a case information sheet is submitted electronically, the signature may be a scanned image or "/s/" and the name of the person completing the case information sheet typed in the space where the signature would otherwise appear.*)

b) **Names of parties in the case.** Enter the name(s) of the:

(*NOTE: If the name of a party to a case is confidential, enter the party's initials rather than the party's name.*)

- plaintiff(s) or petitioner(s);
- defendant(s) or respondent(s); and
- in child support cases, additional parties in the case, including the:
 - custodial parent;
 - non-custodial parent; and
 - presumed father.

Attach an additional page as necessary to list all parties.

c) **Person or entity completing sheet is.** Indicate whether the person completing the sheet, or the entity for which the sheet is being completed, is:

- an attorney for the plaintiff or petitioner;
- a *pro se* (self-represented) plaintiff or petitioner;
- the Title IV-D agency; or
- other (provide name of person or entity).

2. Case type.

Select the case category that best reflects the most important issue in the case. You must select only one.

3. Procedure or remedy.

If applicable, select any of the available procedures or remedies being sought in the case. You may select more than one.

4. Damages sought.

Select the damages being sought in the case:

(*NOTE: If the claim is governed by the Family Code, do not indicate the damages sought.*)

- only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney fees;
- monetary relief over \$100,000 or less and non-monetary relief;
- monetary relief over \$100,000 but not more than \$200,000;
- monetary relief over \$200,000 but less than \$1,000,000; or
- monetary relief over \$1,000,000.

TAB 4

2/27/2017 2:07:20 PM
 Chris Daniel - District Clerk
 Harris County
 Envelope No: 15548274
 By: CUERO, NELSON
 Filed: 2/27/2017 2:07:20 PM

2017-13436 / Court 129

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
 FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: _____ CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiff's Original Petition

FILE DATE OF MOTION: 02/27/2017

 Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Axis Insurance Company

ADDRESS: _____

AGENT, (if applicable): Corporation Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701-3218

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

- ☒ ATTORNEY PICK-UP ☐ CONSTABLE
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ MAIL ☐ CERTIFIED MAIL
☐ PUBLICATION:
 Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE: _____
☐ OTHER, explain _____

2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ MAIL ☐ CERTIFIED MAIL
☐ PUBLICATION:
 Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE: _____
☐ OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: George R. Gibson TEXAS BAR NO./ID NO. 00793802

MAILING ADDRESS: 2800 Post Oak Boulevard, 61st Floor, Houston, Texas 77056

PHONE NUMBER: 713 892-4843 FAX NUMBER: 713 892-4800
 area code phone number area code fax number

EMAIL ADDRESS: ggibson@nathansommers.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION
_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM
_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION
_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION
_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION
_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER
_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:

NON WRIT:

CITATION
ALIAS CITATION
PLURIES CITATION
SECRETARY OF STATE CITATION
COMMISSIONER OF INSURANCE
HIGHWAY COMMISSIONER
CITATION BY PUBLICATION
NOTICE
SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)
RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)
ATTACHMENT (WITNESS)
ATTACHMENT (PERSON)

CERTIORARI

EXECUTION
EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT
GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS
INJUNCTION
TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)
PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)
POSSESSION (PROPERTY)

SCIRE FACIAS
SEQUESTRATION
SUPERSEDEAS

TAB 5



CHRIS DANIEL
HARRIS COUNTY DISTRICT CLERK

Civil Process Pick-Up Form

ENTERED _____
VERIFIED AD

CAUSE NUMBER: 2017 13436

ATY ✓ CIV _____ COURT 129

REQUESTING ATTORNEY/FIRM NOTIFICATION

*ATTORNEY REQUESTING: George R. Gibson ATTY. PHONE #: 713 892 4843

*CIVIL PROCESS SERVER (CIV): _____ BOX: _____

*CIV PHONE NUMBER: _____

*PERSON NOTIFIED SVC READY: Tisha

*NOTIFIED BY: Nelson Cuero

DATE: 2/27/17

Type of Service Document: CITE Tracking Number 73345539

Process papers prepared by: Nelson Cuero

Date: Monday, February 27, 2017

30 days waiting 03 - 27 - 17

*Process papers released to: Chen Hudson
(PRINT NAME)

713-960-0303
*(CONTACT NUMBER)

[Signature]
(SIGNATURE)

*Process papers released by: [Signature]
(PRINT NAME)

[Signature]
(SIGNATURE)

*Date: 2-28, 2017 Time: 10:00 AM / PM

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

Revised 12-15-2014

TAB 6

IN THE 129TH JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

CAUSE NO: 201713436

VACATIONS PUBLICATIONS INC.
VS
AXIS INSURANCE COMPANY

RETURN

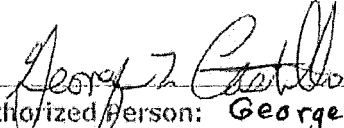
Came to my hand: 3/1/2017 , at 02:15 o'clock P.M. , the following specified documents:

- Citation
- Plaintiff's Original Petition

and executed by me on: 3 / 1 / 2017 , at 3:38 o'clock P.M. , at

211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701, within the county of TRAVIS, by delivering to AXIS INSURANCE COMPANY, by delivering to its registered agent, CORPORATION SERVICE COMPANY, by delivering to employee/managing agent, SUE VERTREES , in person, a true copy of the above specified documents having first endorsed on such copy the date of delivery.

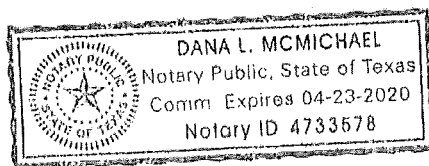
I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.

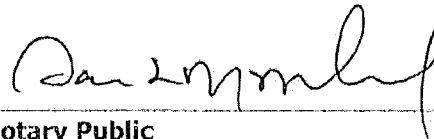

Authorized Person: George L. Castillo; SCH1448
Expiration Date: 3 / 31 / 2017
ASSURED CIVIL PROCESS AGENCY
5926 Balcones Dr. Ste. 290, Austin, TX 78731

STATE OF TEXAS }

VERIFICATION

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/her personal knowledge and experience to be true and correct. Given under my hand and seal of office on this the 1st day of MARCH , 2017




Notary Public

TAB 7

HCDistrictclerk.com

VACATIONS PUBLICATIONS INC vs. AXIS
INSURANCE COMPANY

3/28/2017

Cause: 201713436 CDI: 7 Court: 129

APPEALS

No Appeals found.

COST STATMENTS

No Cost Statments found.

TRANSFERS

No Transfers found.

POST TRIAL WRITS

No Post Trial Writs found.

ABSTRACTS

No Abstracts found.

SETTINGS

No Settings found.

NOTICES

No Notices found.

SUMMARY

CASE DETAILS

File Date	2/27/2017
Case (Cause) Location	Civil Intake 1st Floor
Case (Cause) Status	Active - Civil
Case (Cause) Type	Debt/Contract - Debt/Contract
Next/Last Setting Date	N/A
Jury Fee Paid Date	N/A

CURRENT PRESIDING JUDGE

Court	129 th
Address	201 CAROLINE (Floor: 10) HOUSTON, TX 77002 Phone:7133686180
JudgeName	MICHAEL GOMEZ
Court Type	Civil

ACTIVE PARTIES

Name	Type	Post Attorney Jdgm
VACATIONS PUBLICATIONS INC	PLAINTIFF - CIVIL	GIBSON, GEORGE R.
AXIS INSURANCE COMPANY	DEFENDANT - CIVIL	
AXIS INSURANCE COMPANY (AN ILLINOIS CORPORATION) BY SERVING THROUGH	REGISTERED AGENT	
211 EAST 7TH STREET SUITE 620, AUSTIN, TX 78701-3218		

INACTIVE PARTIES

No inactive parties found.

JUDGMENT/EVENTS

Date	Description	Order Signed	Post Jdgm	Pgs Volume /Page	Filing Attorney	Person Filing
2/27/2017	ORIGINAL PETITION			0	GIBSON, GEORGE R. VACATIONS PUBLICATIONS INC	

SERVICES

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION SERVICE	ORIGINAL	AXIS INSURANCE COMPANY (AN ILLINOIS CORPORATION) BY SERVING THROUGH		2/27/2017	2/27/2017	3/1/2017		3/7/2017	73345539	ATTORNEY PICK-UP

DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
74128495	Citation Corporate		03/06/2017	2
74022551	Plaintiff's Original Petition		02/27/2017	8
-> 74022553	Civil Case Information Sheet		02/27/2017	2
-> 74022554	Civil Process Request		02/27/2017	2
74078486	Civil Process Pick-Up Form		02/27/2017	1